

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON RAISED
BILL NO 426, AN ACT CONCERNING GEOGRAPHIC
INFORMATION SYSTEMS DATA SHARING**

March 21, 2012

The Freedom of Information Commission (FOIC) opposes section (c) in Senate Bill 426. Although the FOIC does not oppose the bill, which requires the sharing of important electronic GIS data by utility companies with municipalities, presumably in reaction to last year's historic snow storm and ensuing statewide power outages, the FOIC feels strongly that such important information should not be broadly protected from public view.

Section (c) of the bill contains the following language, which creates a new, mandatory exemption from disclosure for public records: **Any geographic information systems or geospatial information systems data set filed with the authority or provided to any municipality, regional planning agency, regional council or elected officials or regional council of governments pursuant to this section shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200 of the general statutes.**

This language is contrary to existing law, codified in the FOI Act, which defines all records held or used by a public agency to be public records and disclosable to the public. In essence, it would automatically exempt all of the GIS data provided to government agencies and ignore the basic principles of existing state law.

If the intent of the bill is to protect certain types of information, the FOI Act already contains several exemptions to disclosure which could apply to the records in question here, rendering this objectionable language unnecessary.

The FOI Act, in Section 1-210(b) (5A) and (5B) allows a permissive exemption to public agencies for documents that contain trade secrets, as well as documents that contain commercial or financial information given in confidence, not required by statute.

This allows public agencies, in this case, the Public Utilities Control Authority, municipalities, or regional councils, at their discretion, to withhold from public disclosure documents that contain trade secrets or financial information given in confidence.

Section 1-210(b)(19) of the FOI Act further provides that records may be withheld when there are reasonable grounds to believe that disclosure may result in a safety risk.

Accordingly, public agencies may already withhold the documents in question, making the proposed legislation repetitive and unnecessary if the documents fall under Sections 1-210(b) (5A) and (5B), or (19) of the FOI Act.

The FOIC respectfully submits that this wholesale exemption is both unnecessary and contrary to notions of government transparency and requests that this portion of the bill be stricken.

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